

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BANK OF AMERICA, N.A.,	:
Plaintiff,	:
v.	:
THIRD AVENUE IMAGING, LLC; UNIQUE	:
THIRD AVE, LLC; UNIQUE IMAGING	:
SERVICES, LLC; DISTINGUISHED	:
DIAGNOSTIC IMAGING, P.C.; and JOEL	:
REISMAN,	:
Defendants.	:

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ORDER

21 CV 5201 (VB)

Plaintiff brings this action invoking subject matter jurisdiction by reason of diversity of citizenship under 28 U.S.C. § 1332.

To invoke diversity jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, 28 U.S.C. § 1332 “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.” Id.; see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005). Specifically, 28 U.S.C. § 1332(a)(1) applies when the dispute is between “citizens of different States.

A limited liability company (“LLC”) has the citizenship of each of its individual or entity members. Handelsman v. Bedford Vill. Assocs. Ltd. P'ship, 213 F.3d 48, 51–52 (2d Cir. 2000). A professional corporation (“P.C.”) is a citizen of the state of incorporation and of the state where it has its principal place of business. Saxe, Bacon & Bolan, P.C. v. Martindale-Hubbell, Inc., 710 F.2d 87, 89 (2d Cir. 1983).

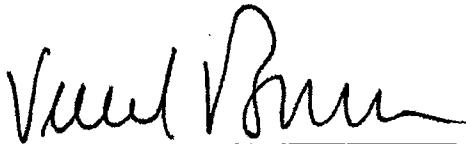
Here, the complaint alleges defendant Third Avenue Imaging, LLC (“TAI”), is a LLC with “a place of business” in Monroe, New York; defendant Unique Third Ave, LLC (“UTA”), is a LLC with “a place of business” in Monroe, New York; defendant Unique Imaging Services, LLC (“UIS”) is a LLC with “a place of business” in Monroe, New York; and defendant

Distinguished Diagnostic Imaging, P.C. (“DDI”) maintains “a place of business” in Chappaqua, New York. However, the complaint identifies neither each individual or entity member of each LLC defendant, nor each individual or entity member’s citizenship. The complaint also fails to identify defendant DDI’s state of incorporation and its principal place of business.

Accordingly, by June 24, 2021, plaintiff’s counsel shall submit a letter explaining in detail the citizenship of defendants TAI, UTA, UIS, and DDI, including, if applicable, that of its constituent members, so that the Court can determine whether it has subject matter jurisdiction.

Dated: June 15, 2021
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge